

**Remarks**

**A. Pending Claims**

Claims 342 and 460-494 are pending.

**B. The Claims Are Not Unpatentable Over Sanadi In View of Kurn Pursuant To 35 U.S.C. §103(a)**

Claims 342, 461-466, 469-471, 476-479, 481-483, 485, 487, 489-490, and 492-494 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,342,581 to Sanadi (hereinafter “Sanadi”) in view of U.S. Patent No. 4,868,104 to Kurn et al. (hereinafter “Kurn”). Applicant respectfully disagrees with these rejections.

In order to reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 USPQ 173, 177-178 (C.C.P.A. 1967). To establish *prima facie* obviousness of a claimed invention, there must be a suggestion or motivation to combine references. *In re Rouffet*, 149 F.3d 1350, 1357, 47 U.S.P.Q.2d 1453, 1457-58 (Fed. Cir. 1998), MPEP §2143.01 (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obviousness was held improper). The level of skill in the art cannot be relied upon to provide the suggestion to combine references. *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999).

When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *Ex parte Skinner*, 2USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). A statement of a rejection that includes a large number of rejections must explain with reasonable specificity at least one rejection, otherwise the examiner procedurally fails to establish a *prima facie* case of obviousness. *Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989).

Sanadi describes “a multi-well plate which prevents cross-contamination of specimens through the use of a resilient gasket which covers a majority of the top of the plate and is compressed by a lid.” (Sanadi, Abstract) Kurn describes a homogeneous assay with particles suspended in solution (see Example 1). The combination of the cited art does not appear to teach or suggest a particle positioned in a cavity. Specifically, the combination of the cited art does not appear to teach or suggest at least the features of claim 342 including, but not limited to “a particle positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of the cavity in which the particle is positioned, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use, and wherein one or more of the flexible projections are deformable during insertion of the particle into the cavity.”

The Office Action states: “the gasket (158) taught by Sanadi is considered to be configured to substantially inhibit displacement of the particle from the cavity during use. That is, the gasket, being smaller than the opening of the top part of the cavity (i.e., well 140) substantially inhibits displacement of the particle from the cavity when the particle contacts the gasket.”

Sanadi states:

Between the lid and the principal surface of the tray or plate, a layer of resilient material such as a synthetic rubber membrane is provided which serves as a gasket. The gasket in one embodiment is a unitary sheet which covers all of the well or tube openings of the plate. Thus, the gasket serves as a top or closure for each specimen chamber. The lid is clamped or otherwise secured to the plate or tray with sufficient force to provide sealing contact between the gasket and the tray or plate surfaces around the well or tube openings such that the apparatus can be placed in various orientations without movement of the samples from their respective containment sites.  
(Sanadi, col. 3, lines 19-31)

Thus, the present invention provides in its broadest aspect an assembly for simultaneously containing biological or chemical material in separate chambers which has a plate defining a plurality of containment sites, each such site having an opening at a principal surface of the plate; a sealing layer disposed on and

extending over the majority of the principal surface of the plate; and a lid disposed on the sealing layer and compressing the sealing layer on the principal surface of the plate forming a seal which prevents materials from flowing from one containment site to another between the lid and the principal surface of the plate. Therefore, it will be appreciated that it is an important aspect of the present invention that a single lid or top is used in conjunction with the novel gasket of the present invention to seal a plurality of tubes/well openings simultaneously. This is a significant advantage over conventional plates having discrete caps or lids for each well.”

(Sanadi, col. 3, line 59 through col. 4, line 8)

In order to secure lid 120 and resilient gasket 116 in place on multi-well plate 1-4, clamps 124 are shown which, in this embodiment, comprise simple friction C-clamps or channel clamps.”

(Sanadi, col. 6, lines 24-27)

Referring now to FIG. 6 of the drawings, in an alternative embodiment, resilient gasket 128 has a plurality of openings 130 in alignment with wells 112. The arrangement of openings 130 in resilient gasket 128 is best shown in FIG. 6A. In this embodiment, openings 130 have a slightly smaller diameter than openings of wells 112 which contributes to confinement of samples within wells to prevent cross-contamination.... The lid and clamps can then be replaced to close and seal wells 112.

(Sanadi, col. 6, lines 38-51)

Sanadi appears to teach that resilient gasket 128 contributes to confinement of samples within wells. Sanadi appears to teach that the lid must be used in combination with the gasket to inhibit displacement of the samples from their respective containment sites. Sanadi does not appear to teach or suggest that the gasket “substantially inhibit[s] displacement of the particle from the cavity during use”.

Furthermore, the cited art does not appear to teach or suggest choosing particle size or gasket opening diameter such that “the gasket, being smaller than the opening of the top part of the cavity (i.e., well 140) substantially inhibits displacement of the particle from the cavity when the particle contacts the gasket” as stated in the Office Action. Applicant submits that the conclusion of obviousness is based upon improper hindsight reasoning.

For at least the reasons stated above, Applicant submits independent claim 342 and the claims dependent thereon, as well as claims 493 and 494, are patentable over the cited art.

Claim 461 states in part, “wherein the particle has a size ranging from about 0.05 microns to about 500 microns in diameter.” Applicant submits that the combination of the features of claim 461, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 462 states in part, “wherein the cavity is configured to substantially contain the particle.” Applicant submits that the combination of the features of claim 462, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 463 states in part, “further comprising a cover layer coupled to the substrate and a bottom layer coupled to the substrate, wherein the cover layer and the bottom layer are removable.” Applicant submits that the combination of the features of claim 463, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 464 states in part, “wherein the bottom of the cavity comprises an opening, and wherein the opening is configured such that the fluid flows through the cavity and out of the cavity through the opening during use.” Applicant submits that the combination of the features of claim 464, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 465 states in part, “further comprising a cover layer coupled to the substrate and a bottom layer coupled to the substrate, wherein the bottom layer is coupled to a bottom surface of the substrate and wherein the cover layer is removable, and wherein the cover layer comprises an opening and the bottom layer comprises an opening, and wherein the opening in the cover layer and the opening in the bottom layer are substantially aligned with the cavity during use.”

Applicant submits that the combination of the features of claim 465, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 466 states in part, “further comprising a cover layer coupled to the substrate and a bottom layer coupled to the substrate, wherein the cover layer comprises an opening substantially aligned with the cavity, and wherein the bottom layer comprises an opening substantially aligned with the cavity.” Applicant submits that the combination of the features of claim 466, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 469 states in part, “further comprising a cover layer coupled to the substrate and a bottom layer coupled to the substrate, wherein the bottom layer is configured to support the particle, and wherein the cover layer comprises an opening substantially aligned with the cavity.” Applicant submits that the combination of the features of claim 469, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 470 states in part, “further comprising a removable cover layer coupled to the substrate.” Applicant submits that the combination of the features of claim 470, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 471 states in part, “wherein the substrate comprises a plastic material.” Applicant submits that the combination of the features of claim 471, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 476 states in part, “further comprising channels in the substrate, wherein the channels are configured to allow the fluid to flow through the channels into and away from the cavity.” Applicant submits that the combination of the features of claim 476, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 477 states in part, “further comprising a plurality of additional particles positioned within a plurality of additional cavities in the substrate.” Applicant submits that the combination of the features of claim 477, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 478 states in part, “further comprising a plurality of additional flexible projections positioned over a plurality of additional cavities in the substrate.” Applicant submits that the combination of the features of claim 478, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 479 states in part, “further comprising a cover layer coupled to the substrate, wherein at least one of the flexible projections is formed in the cover layer.” Applicant submits that the combination of the features of claim 479, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 481 states in part, “wherein at least one of the flexible projections comprises a plastic.” Applicant submits that the combination of the features of claim 481, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 482 states in part, “wherein at least one of the flexible projections is configured to retain the particle in the cavity.” Applicant submits that the combination of the features of claim 482, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 483 states in part, “wherein a top opening and a bottom opening of the cavity provides selection of the particle substantially contained in the cavity.” Applicant submits that the combination of the features of claim 483, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 485 states in part, “wherein the particle is positioned in the cavity by using airflow to pull the particle through the flexible projection.” Applicant submits that the combination of the features of claim 485, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 487 states in part, “wherein at least one of the flexible projections is transparent to light generated by a light source.” Applicant submits that the combination of the features of claim 487, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 489 states in part, “wherein at least one of the flexible projections is configured to elastically bend into the cavity in the substrate.” Applicant submits that the combination of the features of claim 489, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 490 states in part, “further comprising a mask configured to inhibit bending of at least one of the flexible projections from an initial position to a position away from the cavity.” Applicant submits that the combination of the features of claim 490, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 492 states in part, “wherein at least one of the flexible projections is configured to elastically bend into the cavity in the substrate, and wherein the flexible projection is configured to be inhibited from bending away from the cavity.” Applicant submits that the combination of the features of claim 492, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 493 states in part: “one or more particles, wherein at least one of the particles is positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of at least one of the cavities, wherein at least one of the flexible projections is configured to substantially inhibit displacement of at least one of the particles from at least one

of the cavities during use, and wherein at least one of the flexible projections is deformable during insertion of at least one of the particles into at least one of the cavities.” Applicant submits that, for at least the reasons mentioned above, the features of claim 493 listed above do not appear to be taught or suggested by the cited art.

Claim 494 states in part: “one or more particles, wherein at least one of the particles is positioned in at least one of the cavities... and one or more flexible projections positioned over a portion of the top of at least one of the cavities in which at least one of the particles is positioned, wherein at least one of the flexible projections is configured to substantially inhibit displacement of at least one of the particles from at least one of the cavities during use, and wherein at least one of the flexible projections is deformable during insertion of at least one of the particles into at least one of the cavities.” Applicant submits that, for at least the reasons mentioned above, the features of claim 494 listed above do not appear to be taught or suggested by the cited art.

**C. The Claims Are Not Unpatentable Over Sanadi in View of Kurn And Further In View of Burns Pursuant To 35 U.S.C. §103(a)**

Claims 473 and 474 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Sanadi in view of Kurn, as applied to claim 342, and further in view of U.S. Patent No. 6,379,929 to Burns et al. (hereinafter “Burns”). Applicant respectfully disagrees with these rejections.

Claim 342 describes a combination of features including, but not limited to: “one or more flexible projections positioned over a portion of the top of the cavity, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use”.

Claim 473 states in part, “wherein the substrate comprises a dry film photoresist material.” For at least the reasons stated above, the features of claim 473, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.



Claim 474 states in part: “wherein the substrate comprises a plurality of layers of a dry film photoresist material.” For at least the reasons stated above, the features of claim 474, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

**D. Claim 475 Is Not Unpatentable Over Sanadi in View of Kurn And Further In View of Oldenburg Pursuant To 35 U.S.C. §103(a)**

Claim 475 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Sanadi in view of Kurn, as applied to claim 342, and further in view of U.S. Patent No. 6,027,695 to Oldenburg et al. (hereinafter “Oldenburg”). Applicant respectfully disagrees with this rejection.

Claim 342 describes a combination of features including, but not limited to: “one or more flexible projections positioned over a portion of the top of the cavity, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use”.

Claim 475 states in part: “wherein an inner surface of the cavity is coated with a reflective material.” For at least the reasons stated above, the features of claim 475, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

**E. The Claims Are Not Unpatentable Over Lavigne et al. In View of Sanadi Pursuant To 35 U.S.C. §103(a)**

Claims 342, 460, 467, 468, 472, 484, and 488 were rejected under 35 U.S.C. §102(b) [sic] as being anticipated by Lavigne et al. as described in “Solution-Based Analysis of Multiple Analytes by a Sensor Array: Toward the Development of an ‘Electric Tongue’”, J. American

Chemical Society, vol. 120, pp. 6429-6430 (hereinafter "Lavigne") in view of Sanadi. Applicant respectfully disagrees with these rejections.

The Office Action states: "Sanadi et al. teach that the gasket provides the advantage of providing a hermetic seal to contain the samples in the wells."

Sanadi states: "In order to form a more complete seal of openings 32 by resilient gasket 52, lid 60 is provided, which in this particular embodiment is disposed directly on sheet 56. Thus, it will be recognized that assembly 20 comprises a series of elements in a stacked arrangement which, in combination, provides an hermetic seal of wells 32." (Sanadi, col. 5, lines 48-53)

Sanadi also states: "Referring now to FIG. 6 of the drawings, in an alternative embodiment, resilient gasket 128 has a plurality of openings 130 in alignment with wells 112. The arrangement of openings 130 in resilient gasket 128 is best shown in FIG. 6A. In this embodiment, openings 130 have a slightly smaller diameter than openings of wells 112 which contributes to confinement of samples within wells to prevent cross-contamination.... The lid and clamps can then be replaced to close and seal wells 112." (Sanadi, col. 6, lines 38-51)

Sanadi appears to teach a resilient gasket that contributes to confinement of samples within wells. Sanadi appears to teach that the lid must be used in combination with the gasket to inhibit displacement of the samples from their respective containment sites. Sanadi does not appear to teach or suggest that the gasket "substantially inhibit[s] displacement of the particle from the cavity during use".

Sanadi appears to teach that the combination of a series of elements provides a hermetic seal of wells. Sanadi does not appear to teach or suggest that the gasket provides a hermetic seal to contain the samples in the well. Furthermore, Sanadi does not appear to teach or suggest a gasket opening diameter such that the gasket "substantially inhibit[s] displacement of the particle from the cavity during use".

Claim 342 describes a combination of features including, but not limited to: “a particle positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of the cavity in which the particle is positioned, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use, and wherein one or more of the flexible projections are deformable during insertion of the particle into the cavity.”

Claim 460 states in part: “wherein the particle comprises a receptor molecule coupled to a polymeric resin.” For at least the reasons stated above, the features of claim 460, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 467 states in part: “wherein the cavity is tapered such that the width of the cavity narrows from a top surface of the substrate toward a bottom surface of the substrate, and wherein a minimum width of the cavity is less than a width of the particle.” For at least the reasons stated above, the features of claim 467, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 468 states in part: “wherein a width of a bottom portion of the cavity is substantially less than a width of a top portion of the cavity, and wherein the width of the bottom portion of the cavity is substantially less than a width of the particle.” For at least the reasons stated above, the features of claim 468, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 472 states in part: “wherein the substrate comprises a silicon wafer.” For at least the reasons stated above, the features of claim 472, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 484 states in part: “wherein a size of the particle is smaller than a top opening of the cavity and larger than a bottom opening of the cavity such that the particle is substantially contained in the cavity.” For at least the reasons stated above, the features of claim 484, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 488 states in part: “further comprising a cover layer coupled to the substrate and a bottom layer coupled to the substrate, wherein the cover layer and the bottom layer are transparent to light generated by a light source.” For at least the reasons stated above, the features of claim 488, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

**F. Claim 480 Is Not Unpatentable Over Sanadi in View of Kurn And Further In View of Flannery Pursuant To 35 U.S.C. §103(a)**

Claim 480 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Sanadi in view of Kurn, as applied to claim 342, and further in view of U.S. Patent No. 6,517,736 to Flannery et al. (hereinafter “Flannery”). Applicant respectfully disagrees with this rejection.

Claim 342 describes a combination of features including, but not limited to: “one or more flexible projections positioned over a portion of the top of the cavity, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use”.

Claim 480 states in part: “wherein at least one of the flexible projections comprises silicon nitride.” For at least the reasons stated above, the features of claim 480, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

**G. Claim 486 Is Not Unpatentable Over Sanadi in View of Kurn And Further In View of Kale Pursuant To 35 U.S.C. §103(a)**

Claim 486 was rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over Sanadi in view of Kurn, as applied to claim 342, and further in view of U.S. Patent No. 5,849,823 to Kale et al. (hereinafter “Kale”). Applicant respectfully disagrees with this rejection.

Claim 342 describes a combination of features including, but not limited to: “one or more flexible projections positioned over a portion of the top of the cavity, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use”.

Claim 486 states in part: “wherein at least one of the flexible projections comprises silicon dioxide.” For at least the reasons stated above, the features of claim 468, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

**H. The Claims Are Not Unpatentable Over Unger in View of Kurn And Further In View of Kurn Pursuant To 35 U.S.C. §103(a)**

Claims 342, 491, 493, and 494 were rejected pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,929,030 to Unger et al. (hereinafter “Unger”) in view of Kurn. Applicant respectfully disagrees with this rejection.

Unger is a continuation-in-part of nonprovisional patent application Ser. No. 09/826,583, filed April 6, 2001, which is a continuation-in-part of nonprovisional patent application Ser. No. 09/724,784, filed November 28, 2000, which is a continuation-in-part of parent nonprovisional patent application Ser. No. 09/605,520, filed June 27, 2000. Nonprovisional patent application Ser. No. 09/826,583 issued as U.S. Patent No. 6,899,137 on May 31, 2005.

The Office Action states: “Unger et al. discloses a sensor array comprising: a substrate (7708), wherein the substrate comprises one or more cavities (7710); one or more flexible projections (7712) positioned over a portion of the top of the cavity (see fig. 72), wherein one or more of the flexible projections are deformable during insertion of the particle into the cavity (see col. 25, lines 24-26). (As to claim 494, a plurality of cavities is disclosed in Fig. 74.)”

U.S. Patent No. 6,899,137, filed on April 6, 2001, does not include Fig. 72 or Fig. 74 described in the Office Action, or flexible projections positioned over a portion of the top of the cavity. Applicant therefore submits that the priority date of the matter described in the Office Action related to Fig. 72 and Fig. 74 of Unger is November 28, 2001—the filing date of U.S. Patent No. 6,929,030. The priority date of the instant application is January 31, 2001. Applicant submits, therefore, that Unger does not constitute prior art, and that claims 342, 491, 493, and 494 are patentable over Unger in view of Kurn.

Applicant further submits that the Office Action has not established a motivation to combine references. Unger describes a membrane portion defined between a control channel and a flow channel. Unger does not appear to teach or suggest that one or more flexible projections positioned over a portion of the flow channel would substantially inhibit displacement of a particle from the cavity during use. Kurn describes a homogeneous assay with particles suspended in solution (see Example 1). The combination of the cited art does not appear to teach or suggest a particle positioned in a cavity. Specifically, the combination of the cited art does not appear to teach or suggest at least the features of claim 342 including, but not limited to “a particle positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of the cavity in which the particle is positioned, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use, and wherein one or more of the flexible projections are deformable during insertion of the particle into the cavity.”

Furthermore, the cited art does not appear to teach or suggest choosing particle size or dimensions of the membrane portion to substantially inhibit displacement of a particle from the

flow channel. Applicant submits that the conclusion of obviousness is based upon improper hindsight reasoning.

For at least the reasons stated above, Applicant submits independent claim 342 and the claims dependent thereon, as well as claims 493 and 494, are patentable over the cited art.

Claim 342 describes a combination of features including, but not limited to: “a particle positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of the cavity in which the particle is positioned, wherein one or more of the flexible projections are configured to substantially inhibit displacement of the particle from the cavity during use, and wherein one or more of the flexible projections are deformable during insertion of the particle into the cavity.” For at least the reasons stated above, Applicant submits independent claim 342, and the claims dependent thereon, are patentable over the cited art.

Claim 491 states in part: “wherein at least one of the flexible projections is electrically actuated to allow insertion of the particle into the cavity.” For at least the reasons stated above, the features of claim 491, in combination with the features of independent claim 342, do not appear to be taught or suggested by the cited art.

Claim 493 states in part: “one or more particles, wherein at least one of the particles is positioned in at least one of the cavities...and one or more flexible projections positioned over a portion of the top of at least one of the cavities, wherein at least one of the flexible projections is configured to substantially inhibit displacement of at least one of the particles from at least one of the cavities during use, and wherein at least one of the flexible projections is deformable during insertion of at least one of the particles into at least one of the cavities.” For at least the reasons stated above, Applicant submits that independent claim 493 is patentable over the cited art.

Claim 494 states in part: “one or more particles, wherein at least one of the particles is positioned in at least one of the cavities... and one or more flexible projections positioned over a

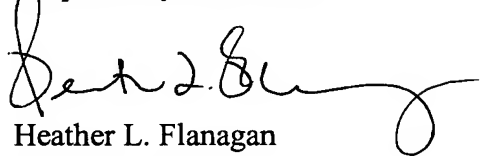
portion of the top of at least one of the cavities in which at least one of the particles is positioned, wherein at least one of the flexible projections is configured to substantially inhibit displacement of at least one of the particles from at least one of the cavities during use, and wherein at least one of the flexible projections is deformable during insertion of at least one of the particles into at least one of the cavities.” For at least the reasons stated above, Applicant submits that independent claim 494 is patentable over the cited art.

**I. Additional Remarks**

Applicant believes the claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes no fees are due with the filing of this document. If an extension of time is required, Applicant hereby requests the appropriate extension of time.

Respectfully submitted,



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